

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte SUNDARAM RAMAKESAVAN

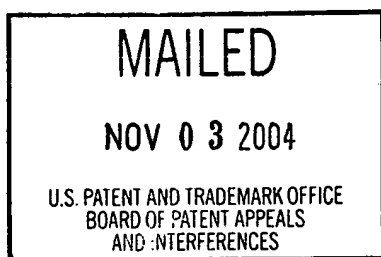
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Appeal No. 2005-0025  
Application No. 09/234,559

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ORDER REMANDING TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences (BPAI) on September 22, 2004. Pursuant to MPEP § 1211, the above-identified application is remanded to the examiner for appropriate action with respect to the matter set forth below.

Appellants filed a Reply Brief on September 21, 2004, (Paper No. 19). The paper was received at Technology Center 2600 on September 23, 2004. However by the time the Technology Center received the Paper, the file had been forwarded to the (BPAI) for a decision on the appeal. Therefore, the paper was sent to the BPAI to be matched with the file without the examiner having had an opportunity to consider it. A docketing notice was mailed to appellant on October 18, 2004 by the BPAI, prior to receiving the Reply Brief.

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According to § 1208.03 of the Manual of Patent Examining Procedure (MPEP)(8th ed., rev. 2, May 2004), appellant(s) may file a Reply Brief to the Examiner's Answer within two months from the mailing date of such Examiner's Answer. The examiner must then (1) either acknowledge receipt and entry of the Reply Brief or (2) withdraw the final rejection and reopen prosecution to respond to the Reply Brief. See also 37 CFR § 1.193.

Accordingly, it is


ORDERED that the application is remanded to the examiner to

- (a) acknowledge receipt and entry or not entered of appellants Reply Brief filed September 21, 2004 (Paper No. 19), or to reopen prosecution to respond to the Reply Brief, and
- (b) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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